

From: Richard Windsor/DC/USEPA/US  
To: Judith Enck/R2/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA,  
Date: 12/17/2010 05:17 PM  
Subject: Re: chesapeake bay tmdl

---

Merry Christmas. You deserve it! Do you want us to set up a mtg here with HUD and DOEd or should we do one in the region? No need to answer today!

Judith Enck

----- Original Message -----

**From:** Judith Enck  
**Sent:** 12/17/2010 04:28 PM EST  
**To:** Richard Windsor; Bob Sussman; Bob Perciasepe  
**Subject:** chesapeake bay tmdl

we just received the New York State WIP for the Chesapeake bay tmdl. all is well on the Hudson River pcb front, with GE suggesting that they will opt in. we will delay nyc school pcb inspections until January 8th. Now, finally, I can start my Christmas shopping.

thanks for all your help and support  
cheers,

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway

New York, N.Y. 10007-1866  
(212) 637-5000

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: Lisa Plevin/R2/USEPA/US@EPA,  
Date: 12/06/2010 07:06 PM  
Subject: Re: briefing book materials

No. No. Yes  
Sent by EPA Wireless E-Mail Services  
Lisa Plevin

----- Original Message -----

From: Lisa Plevin  
Sent: 12/06/2010 04:28 PM EST  
To: Judith Enck  
Subject: briefing book materials

not much next week that you will need materials for, however, wanted to ask about the following:

- Hudson River Foundation mtg - need materials?
- Holiday party - need tps? assume no but figured I'd ask.
- Quarterly mtg w/DEP - there will be agenda and background materials. will you need tps?

Lisa J. Plevin  
Chief of Staff  
US EPA Region 2  
(212) 637-5000

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: "kathudson" <kathudson@earthlink.net>,  
Date: 12/05/2010 12:32 PM  
Subject: Re: Belated Happy Birthday!!

And happy birthday to u!!!! I am in washington and san juan all week so can't make it to alb. Let me know next time u are in nyc. All is well on my end. Cheers. Je  
Sent by EPA Wireless E-Mail Services

----- Original Message -----

From: kathudson  
Sent: 12/05/2010 12:13 PM EST  
To: Judith Enck; Enckj (b) (6)  
Subject: Belated Happy Birthday!!

Judith - hope you had a great one!

Wanted to send you a card and wondered what would be the best address to use?

Wish/ hope we could get together to mutually celebrate our December birthdays sometime in the not too distant future?

Getting together with the Albany ladies for dinner this Thursday evening (12/9) after a bar CLE that I am doing in Albany that day. Maureen is organizing. Any chance you could join us?

If not, we'll just have to keep working on it.

Wishing you the best for the coming year!

Hugs, Kate

(b) (6) 6

Katherine Hudson

(b) (6) 6

Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM

From: Judith Enck/R2/USEPA/US  
To: Mary Mears/R2/USEPA/US@EPA,  
Date: 12/03/2010 04:11 PM  
Subject: Re: Follow up from WSJ

---

ok thanks

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866  
(212) 637-5000

Mary Mears---12/03/2010 03:50:22 PM---Hi Judith: The reporter did not want the details of the technical meetings, but he did have two foll

From: Mary Mears/R2/USEPA/US  
To: Judith Enck/R2/USEPA/US@EPA  
Date: 12/03/2010 03:50 PM  
Subject: Follow up from WSJ

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Hi Judith:

The reporter did not want the details of the technical meetings, but he did have two followup questions that are national (and in one case DOJ-related) in nature. I am proposing the responses below, which incorporate input from Walter, Eric and DOJ, to Brendan Gilfillan. Will let you know as soon as I hear back.

Mary Mears  
Chief, Public Outreach Branch, U.S. EPA  
office - 212-637-3673  
cell - 646-369-0077  
[www.epa.gov/region2](http://www.epa.gov/region2)

----- Forwarded by Mary Mears/R2/USEPA/US on 12/03/2010 03:48 PM -----

From: Mary Mears/R2/USEPA/US

To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 12/03/2010 03:25 PM  
Subject: my proposed responses (with input from our SF director, Regional Counsel and DOJ)

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1) Why did DOJ staff sit in on some discussions between GE and the EPA? How rare is that? The Hudson River cleanup process, including the two phased approach with a peer review between the two phases, is laid out in a Consent Decree so it is appropriate that DOJ be involved to help EPA make sure the conditions of that legal agreement are being met as we move forward in developing the next phase of this cleanup.

2) How rare is it for the EPA to have these kind of ongoing, high-level technical discussions with companies on a clean up effort like this? Is it unique? While meetings like these do sometimes occur, the project itself is unique. It is incredibly technically complex, challenging and expensive and involves a large stretch of a historic river. Such high level involvement shows the EPA's commitment to this cleanup.

Mary Mears  
Chief, Public Outreach Branch, U.S. EPA  
office - 212-637-3673  
cell - 646-369-0077  
[www.epa.gov/region2](http://www.epa.gov/region2)

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2010 02:16 PM -----

From: Bob Sussman/DC/USEPA/US  
To: Walter Mugdan/R2/USEPA/US@EPA,  
Cc: Bonnie Bellow/R2/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, [Enck.Judith@epamail.epa.gov](mailto:Enck.Judith@epamail.epa.gov), George Hull/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, [mears.mary@epa.gov](mailto:mears.mary@epa.gov), Seth Oster <[oster.seth@epa.gov](mailto:oster.seth@epa.gov)>, [Stanislaus.Mathy@epamail.epa.gov](mailto:Stanislaus.Mathy@epamail.epa.gov), Stephanie Owens/DC/USEPA/US@EPA  
Date: 12/15/2010 12:58 PM  
Subject: Re: Final Hudson release

---

Fair enough. (b)(5) - deliberative process

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

Walter Mugdan---12/15/2010 12:27:36 PM---Bob, You are right. (b)(5) - deliberative process

From: Walter Mugdan/R2/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, [Enck.Judith@epamail.epa.gov](mailto:Enck.Judith@epamail.epa.gov), Lisa Feldt/DC/USEPA/US@EPA, [mears.mary@epa.gov](mailto:mears.mary@epa.gov), [Stanislaus.Mathy@epamail.epa.gov](mailto:Stanislaus.Mathy@epamail.epa.gov), Seth Oster <[oster.seth@epa.gov](mailto:oster.seth@epa.gov)>, Stephanie Owens/DC/USEPA/US@EPA  
Date: 12/15/2010 12:27 PM  
Subject: Re: Final Hudson release

---

Bob,

You are right. (b)(5) - deliberative process

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Bob Sussman---12/15/2010 11:32:47 AM---Brendan -- I want to make sure that Walter focuses on how we've phrased the comparison of capping du

From: Bob Sussman/DC/USEPA/US

To: Brendan Giffilan/DC/USEPA/US@EPA

Cc: Bonnie Bellow/R2/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mary Mears/R2/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster <[oster.seth@epa.gov](mailto:oster.seth@epa.gov)>, Stephanie Owens/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA

Date: 12/15/2010 11:32 AM

Subject: Re: Final Hudson release

Brendan -- I want to make sure that Walter focuses on how we've phrased the comparison of capping during phase 1 and phase 2. I may have contributed to this but in the current draft we're comparing apples (the total amount of capping in phase 1) with oranges (capping in phase 2 in areas under GE's control).

(b)(5) - deliberative process

(b)(5) - deliberative process

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

Brendan Gilfillan---12/15/2010 10:56:44 AM---All - Below is the final release - still lacking the date GE has to respond and the percent of capping

From: Brendan Gilfillan/DC/USEPA/US

To: Judith Enck/R2/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA

Cc: David Bloomgren/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, Mary Mears/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Seth Oster <[oster.seth@epa.gov](mailto:oster.seth@epa.gov)>

Date: 12/15/2010 10:56 AM

Subject: Final Hudson release

---

All -

Below is the final release - still lacking the date GE has to respond and the percent of capping we're allowing. Think the fact sheet and the Q and A are still undergoing some revision at the regional level.

Thanks.

Brendan Gilfillan  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2081  
[gilfillan.brendan@epa.gov](mailto:gilfillan.brendan@epa.gov)

## EPA Announces Requirements for Next Phase of Hudson River PCB Cleanup

**NEW YORK** – The U.S. Environmental Protection Agency (EPA) today presented GE with requirements for the next phase of the cleanup of the Hudson River. The second phase of the cleanup – which is designed to address potentially cancer-causing chemicals released for decades from two GE plants into the Hudson – would require GE to remove far more contaminated sediment from the river before sealing or “capping” any remaining PCBs. The decision follows months of consultation with GE, the State of New York and a wide range of stakeholder groups as the Agency analyzed technical information and decided how best to proceed with the second phase of the project. GE has until (date) to review EPA’s decision and notify the Agency whether they will proceed with this phase of the cleanup, scheduled to begin in May 2011.

GE plants discharged approximately 1.3 million pounds of polychlorinated biphenyls (PCBs) during a 30 period ending in 1977, contaminating nearly 200 miles of the Hudson River. These potentially cancer-causing chemicals can build up in fish over time, posing a serious risk to those who eat them.

“We’ve said from the start that a clean Hudson is non-negotiable, and the path we have laid out today relies on the best science to ensure this dangerous pollution is addressed in a practical, effective way,” said EPA Region 2 Administrator Judith Enck. “EPA has advanced a PCB cleanup plan that will require the removal of huge quantities of PCBs, making the Hudson River cleaner for future generations.”

The cleanup of this site, one of the largest Superfund sites in the country was divided into two phases. Under EPA’s direction, GE began the first phase in May 2009, completing it in November 2009. EPA conducted a comprehensive review of the science and considered the views of a group of independent scientific experts following the completion of the first phase.

The review found that during the first phase of the cleanup, nearly 37% of the area was capped due to the continued presence of contamination, despite multiple dredging passes that removed the great majority of the PCBs. While fish and other aquatic life are not exposed to the contamination in the capped areas, the Agency has determined that the initial phase was insufficient to protect human health and the environment and it is necessary in Phase 2 to set a stringent limit on what percentage of the total project area can be capped if dredging does not meet the cleanup goals. This limit will be set at \_\_\_% of the total project area, not counting areas where capping is unavoidable because of physical barriers in the river. This limit represents an improvement from Phase 1 and will require GE to employ considerably more rigorous dredging procedures.

Dredging during the second phase will go deeper into the sediment and, by relying on better information and lessons learned during the first phase, will remove more contaminated sediment in fewer passes. Phase two will require GE to remove at least an estimated 95 percent of PCBs from the areas designated for dredging.

If GE does not agree to conduct the Phase 2 dredging, EPA fully reserves all of its enforcement authorities, including its right to order GE to perform the dredging, or take legal action to require GE to perform Phase 2 or to reimburse EPA for its costs of the cleanup if the Agency performs the cleanup using taxpayer funds.

The documents issued by EPA today and other information about the Hudson River PCBs Superfund Site can be found at: <http://www.epa.gov/hudson>. Residents with questions are encouraged to contact EPA Community Involvement Coordinator David Kluesner at (212) 637-3653, [kluesner.dave@epa.gov](mailto:kluesner.dave@epa.gov).

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: Walter Mugdan/R2/USEPA/US@EPA,  
Cc: Lisa Plevin/R2/USEPA/US@EPA, [Pavlou.George@epa.gov](mailto:Pavlou.George@epa.gov)  
Date: 09/20/2010 03:46 PM  
Subject: Re: Draft Talking Points for LPJ/GE Meeting

---

yes. but if george or lisa or I have changes we will get them to you tomorrow. thanks!

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866  
(212) 637-5000

▼ Walter Mugdan---09/20/2010 02:45:10 PM---As discussed this morning, here are draft Talking Points for the meeting on Thursday between Lisa J

From: Walter Mugdan/R2/USEPA/US  
To: [Enck.Judith@epamail.epa.gov](mailto:Enck.Judith@epamail.epa.gov), [Pavlou.George@epa.gov](mailto:Pavlou.George@epa.gov), Lisa Plevin/R2/USEPA/US@EPA  
Date: 09/20/2010 02:45 PM  
Subject: Draft Talking Points for LPJ/GE Meeting

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As discussed this morning, here are draft Talking Points for the meeting on Thursday between Lisa Jackson and Jeff Immelt. Once we are satisfied here in the Region, may I assume that transmission to Headquarters will occur from the RA's office? (We have not as yet sent this draft to anyone in HQ.)

[attachment "LPJ Talking Points5.doc" deleted by Judith Enck/R2/USEPA/US]

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: "kathudson" <[kathudson@earthlink.net](mailto:kathudson@earthlink.net)>

(b) (6) e [redacted] [redacted] [redacted] Thanks  
Sent by EPA Wireless E-Mail Services

----- Original Message -----

From: kathudson  
Sent: 12/05/2010 12:34 PM EST  
To: Judith Enck  
Subject: Re: Belated Happy Birthday!!

Best address for u? to send u a card?

K

-----Original Message-----

>From: [Enck.Judith@epamail.epa.gov](mailto:Enck.Judith@epamail.epa.gov)  
>Sent: Dec 5, 2010 12:32 PM  
>To: kathudson <[kathudson@earthlink.net](mailto:kathudson@earthlink.net)>  
>Subject: Re: Belated Happy Birthday!!

>  
>And happy birthday to u!!!! I am in washington and san juan all week so can't make it to alb. Let me know next time u are in nyc. All is well on my end. Cheers. Je  
>Sent by EPA Wireless E-Mail Services

>

>

>----- Original Message -----

>From: kathudson  
>Sent: 12/05/2010 12:13 PM EST  
>To: Judith Enck; Enckj (b) (6) [redacted] t>  
>Subject: Belated Happy Birthday!!

>

>

>

>Judith - hope you had a great one!

>

>Wanted to send you a card and wondered what would be the best address to use?

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>Wish/ hope we could get together to mutually celebrate our December birthdays sometime in the not too distant future?

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>Getting together with the Albany ladies for dinner this Thursday evening (12/9) after a bar CLE that I am doing in Albany that day. Maureen is organizing. Any chance you could join us?

>

>If not, we'll just have to keep working on it.

>

>Wishing you the best for the coming year!

>

>Hugs, Kate

>(b) (6) [redacted] 6

[redacted]

>Katherine Hudson

(b) (6) [redacted] e [redacted]

(b) (6) [redacted] 6

Katherine Hudson

(b) (6) [redacted] 6

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: "abicking" <abicking@scenichudson.org>,  
Date: 09/23/2010 04:53 PM  
Subject: Re: Follow up / thank you

---

Thanks andy. Anyone opposed to the idea?  
Sent by EPA Wireless E-Mail Services

----- Original Message -----

From: "Andy Bicking" [abicking@scenichudson.org]  
Sent: 09/23/2010 07:01 PM GMT  
To: Robert Nyman  
Cc: "Ned Sullivan" <nsullivan@scenichudson.org>; "Andy Bicking" <abicking@scenichudson.org>; Judith Enck; "Fran Dunwell" <ffdunwel@gw.dec.state.ny.us>; "Jeff Myers" <jamyers@gw.dec.state.ny.us>; "Jim Tierney" <jmtierne@gw.dec.state.ny.us>; "Bileen Murphy" <emmurphy@gw.dec.state.ny.us>  
Subject: Follow up / thank you

Dear Bob,

A sincere thanks to you and your coworkers for setting the table for today's conversation about the geographical scope of the Estuary Program. Overall, I felt that it was very positive in that it addressed the topic in a proactive, consensus-based manner and identified a clear next step -- convening a group to further digest the proposal and make recommendations to the Policy Advisory Committee.

Scenic Hudson supports this effort and I would very much like to participate in the group, both in planning for and implementing the conversation.

I have some concepts for how the group could be structured as well as ideas for tangible products that we could set our sights on as outcomes for the process that I would like to discuss with you.

Are you available to speak by phone tomorrow or early next week?

Best Regards,  
Andy

Sent from my Verizon Wireless BlackBerry

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: "Maureen Leary" <Maureen.Leary@ag.ny.gov>,

Looks great. Thanks maureen. I am really looking forward to seeing everyone. THANK YOU for your hard work on this.  
Sent by EPA Wireless E-Mail Services

----- Original Message -----

From: "Maureen Leary" [Maureen.Leary@ag.ny.gov]  
Sent: 09/23/2010 01:01 PM AST  
To: "Eugene Leff" <Eugene.Leff@ag.ny.gov>; <(b) (6)>; <kkennedy@earthlink.net>; <enck.judith@epa.gov>; "James A (GE Infra Energy) Sevinsky" <james.sevinsky@ge.com>; "Gordon Johnson" <(b) (6)>; <ajbelens@gw.dec.state.ny.us>; <(b) (6)>; "Gordon Johnson" <GOJOHNSO@mtahq.org>; <kkennedy@nrdc.org>; <plehner@nrdc.org>; "Bill Helmer" <Bill.Helmer@transmissiondevelopers.com>  
Subject: EPB 40th Agenda.ppt

Thank you for agreeing to present some memories on Sunday. Here is a draft agenda with your name on it! Please let me know if you would like to change anything. Thanks! Maureen

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: Bonnie Bellow/R2/USEPA/US@EPA,  
Date: 12/04/2010 04:01 PM  
Subject: Re: EPA Eco-Ambassador program goes live

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Hudson river pcbs!  
Sent by EPA Wireless E-Mail Services  
Bonnie Bellow

----- Original Message -----

From: Bonnie Bellow  
Sent: 12/04/2010 03:59 PM EST  
To: Barbara Finazzo; Carl Soderberg; Jose Font; Walter Mugdan; Eric Schaaf; Kevin Bricke; George Pavlou; Joann Brennan-McKee; Patrick Durack; Dore LaPosta; Donna Vizian; Robert Buettner; Peter Brandt; John LaPadula; Deb Szaro; Paul Simon; Pat Evangelista; Judith Enck; Lisa Plevin; Richard Manna  
Subject: EPA Eco-Ambassador program goes live

Below is a link to the newly launched EPA Eco-Ambassador program with information about the OnCampus and Tribal Ambassador's programs. Our region has a student from Bard College in the first group of students in the OnCampus program. The tribal program is just getting underway and is soliciting applications. OEAE has promised more information as the project evolves.

*Because EPA wants to empower and assist you in making your community healthier and safer, we have developed the ecoAmbassadors program. Through this framework, EPA staff will meet with local representatives to discuss issues impacting public health and the environment and their initiatives for improvement. EPA will provide training that can be put into practice within individual localities, ensuring the success of the project. EPA will also provide the communities with the Agency's latest news updates, events, technical assistance and notice of grant opportunities.*

<http://www.epa.gov/ecoambassadors/index.html>

Bonnie Bellow  
Director, Public Affairs Division  
U.S. Environmental Protection Agency  
Region 2  
212-637-3660 office  
646-369-0062 cell

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA,  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 12/17/2010 05:42 PM  
Subject: Re: chesapeake bay tmdl

---

I am happy to set it up. US Dept of Energy has been interested so we should invite them as well and pick their pockets. cheers,

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866  
(212) 637-5000

▼ Richard Windsor---12/17/2010 05:17:26 PM---Merry Christmas. You deserve it! Do you want us to set up a mtg here with HUD and DOEd or should we

From: Richard Windsor/DC/USEPA/US  
To: Judith Enck/R2/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
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---

Merry Christmas. You deserve it! Do you want us to set up a mtg here with HUD and DOEd or should we do one in the region? No need to answer today!

▼ Judith Enck

----- Original Message -----

**From:** Judith Enck  
**Sent:** 12/17/2010 04:28 PM EST  
**To:** Richard Windsor; Bob Sussman; Bob Perciasepe  
**Subject:** chesapeake bay tmdl

we just received the New York State WIP for the Chesapeake bay tmdl. all is well on the Hudson River pcb front, with GE suggesting that they will opt in. we will delay nyc school pcb inspections until January 8th. Now, finally, I can start my Christmas shopping.

thanks for all your help and support  
cheers,

Judith Enck  
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Cc: Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA

Date: 12/17/2010 05:56 PM  
Subject: Re: chesapeake bay tmdl

---

Agreed! Suggest you try to do a few days before the scheduled inspection. I do think the Mayor was surprised to hear of how much effort you have made to help find a solution and funding. Tx.

▼ Judith Enck

----- Original Message -----

**From:** Judith Enck  
**Sent:** 12/17/2010 05:42 PM EST  
**To:** Richard Windsor  
**Cc:** Bob Perciasepe; Bob Sussman  
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Judith Enck  
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To: Brendan Gilfillan/DC/USEPA/US@EPA,  
Cc: Bonnie Bellow/R2/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA,

Brendan -- I want to make sure that Walter focuses on how we've phrased the comparison of capping during phase 1 and phase 2. I may have contributed to this but in the current draft we're comparing apples (the total amount of capping in phase 1) with oranges (capping in phase 2 in areas under GE's control).

(b)(5) - deliberative process

[REDACTED]

(b)(5) - deliberative process

[REDACTED]

[REDACTED]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

▼ Brendan Gilfillan---12/15/2010 10:56:44 AM---All - Below is the final release - still lacking the date GE has to respond and the percent of capp

From: Brendan Gilfillan/DC/USEPA/US

To: Judith Enck/R2/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA

Cc: David Bloomgren/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, Mary Mears/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>

Date: 12/15/2010 10:56 AM

Subject: Final Hudson release

---

All -

Below is the final release - still lacking the date GE has to respond and the percent of capping we're allowing. Think the fact sheet and the Q and A are still undergoing some revision at the regional level.

Thanks.

Brendan Gilfillan  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2081  
[gilfillan.brendan@epa.gov](mailto:gilfillan.brendan@epa.gov)

# EPA Announces Requirements for Next Phase of Hudson River PCB Cleanup

**NEW YORK** – The U.S. Environmental Protection Agency (EPA) today presented GE with requirements for the next phase of the cleanup of the Hudson River. The second phase of the cleanup – which is designed to address potentially cancer-causing chemicals released for decades from two GE plants into the Hudson – would require GE to remove far more contaminated sediment from the river before sealing or “capping” any remaining PCBs. The decision follows months of consultation with GE, the State of New York and a wide range of stakeholder groups as the Agency analyzed technical information and decided how best to proceed with the second phase of the project. GE has until (date) to review EPA’s decision and notify the Agency whether they will proceed with this phase of the cleanup, scheduled to begin in May 2011.

GE plants discharged approximately 1.3 million pounds of polychlorinated biphenyls (PCBs) during a 30 period ending in 1977, contaminating nearly 200 miles of the Hudson River. These potentially cancer-causing chemicals can build up in fish over time, posing a serious risk to those who eat them.

“We’ve said from the start that a clean Hudson is non-negotiable, and the path we have laid out today relies on the best science to ensure this dangerous pollution is addressed in a practical, effective way,” said EPA Region 2 Administrator Judith Enck. “EPA has advanced a PCB cleanup plan that will require the removal of huge quantities of PCBs, making the Hudson River cleaner for future generations.”

The cleanup of this site, one of the largest Superfund sites in the country was divided into two phases. Under EPA’s direction, GE began the first phase in May 2009, completing it in November 2009. EPA conducted a comprehensive review of the science and considered the views of a group of independent scientific experts following the completion of the first phase.

The review found that during the first phase of the cleanup, nearly 37% of the area was capped due to the continued presence of contamination, despite multiple dredging passes that removed the great majority of the PCBs. While fish and other aquatic life are not exposed to the contamination in the capped areas, the Agency has determined that the initial phase was insufficient to protect human health and the environment and it is necessary in Phase 2 to set a stringent limit on what percentage of the total project area can be capped if dredging does not meet the cleanup goals. This limit will be set at \_\_\_% of the total project area, not counting areas where capping is unavoidable because of physical barriers in the river. This limit represents an improvement from Phase 1 and will require GE to employ considerably more rigorous dredging procedures.

Dredging during the second phase will go deeper into the sediment and, by relying on better information and lessons learned during the first phase, will remove more contaminated sediment in fewer passes. Phase two will require GE to remove at least an estimated 95 percent of PCBs from the areas designated for dredging.

If GE does not agree to conduct the Phase 2 dredging, EPA fully reserves all of its enforcement authorities, including its right to order GE to perform the dredging, or take legal action to require GE to perform Phase 2 or to reimburse EPA for its costs of the cleanup if the Agency performs the cleanup using taxpayer funds.

The documents issued by EPA today and other information about the Hudson River PCBs Superfund Site can be found at: <http://www.epa.gov/hudson>. Residents with questions are encouraged to contact EPA Community Involvement Coordinator David Kluesner at (212) 637-3653, [kluesner.dave@epa.gov](mailto:kluesner.dave@epa.gov).

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: "Robert\_Foley" <[Robert\\_Foley@fws.gov](mailto:Robert_Foley@fws.gov)>,  
Date: 09/20/2010 05:22 PM  
Subject: Re: EPA - Trustee Meeting Agenda

Thank you.  
Sent by EPA Wireless E-Mail Services

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**From:** Robert Foley  
**Sent:** 09/20/2010 05:07 PM AST  
**To:** Judith Enck  
**Cc:** Doug Garbarini; "Tom.Brosnan@noaa.gov" <Tom.Brosnan@noaa.gov>; "aoguglie@gw.dec.state.ny.us" <aoguglie@gw.dec.state.ny.us>; Benny Conetta; "Brian.donohue@usdoj.gov" <Brian.donohue@usdoj.gov>; "fischer.douglas@epa.gov" <fischer.douglas@epa.gov>; "eugene.leff@oag.state.ny.us" <eugene.leff@oag.state.ny.us>; "John.davis@oag.state.ny.us" <John.davis@oag.state.ny.us>; "Lisa.Rosman@noaa.gov" <Lisa.Rosman@noaa.gov>; Marc Greenberg; "Marguerite.Matera@noaa.gov" <Marguerite.Matera@noaa.gov>; "Peter.Kautsky@usdoj.gov" <Peter.Kautsky@usdoj.gov>; "r5mbaras(b) (6)" <r5mbaras(b) (6)>; "Robert\_Foley@fws.gov" <Robert\_Foley@fws.gov>; "splorenc@gw.dec.state.ny.us" <splorenc@gw.dec.state.ny.us>; "Steve.O'Rourke@usdoj.gov" <Steve.O'Rourke@usdoj.gov>; Kevin Farrar <kxfarrar@gw.dec.state.ny.us>; George Pavlou; Walter Mugdan; Robert Haddad <Robert.Haddad@noaa.gov>; Jay Field <Jay.Field@noaa.gov>; Wendi Weber@fws.gov; Kathryn Jahn <Kathryn\_Jahn@fws.gov>; sfgruski@gw.dec.state; "Crocker, Alison" <ahcrocke@gw.dec.state.ny.us>  
**Subject:** EPA - Trustee Meeting Agenda

SUBJECT TO JOINT PROSECUTION AND CONFIDENTIALITY AGREEMENT  
NOT FOR PUBLIC RELEASE  
FOIA/FOIL EXEMPT

Judith - Attached is the agenda for our meeting tomorrow. We are looking forward to discussing the Hudson River remedy further with you.

Regards,

Bob Foley  
DOI Manager, Hudson River Case  
300 Westgate Center Dr.  
Hadley, MA 01035  
T: 413-253-8732  
F: 413-253-8482  
E: [robert\\_foley@fws.gov](mailto:robert_foley@fws.gov)

*(See attached file: Agenda Enck Meeting 9-21-10.docx)*

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: Walter Mugdan/R2/USEPA/US@EPA,  
Cc: Lisa Plevin/R2/USEPA/US@EPA, [Pavlou.George@epa.gov](mailto:Pavlou.George@epa.gov)  
Date: 09/20/2010 04:04 PM  
Subject: Re: Draft Talking Points for LPJ/GE Meeting

---

Walter: I'm not sure this draft fully addresses the "pig in the poke" argument. GE says they want to know what they are "signing up for". can this document lay out what they are signing up for? note that this is not complicated compared to the pasaic and onondaga lake: one contaminant. one prp. also, please call bob sussman and share the next draft with him and see if he believes it provides the administrator with enuf info and options? thanks

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency

290 Broadway  
New York, N.Y. 10007-1866  
(212) 637-5000

▼ Walter Mugdan---09/20/2010 02:45:10 PM---As discussed this morning, here are draft Talking Points for the meeting on Thursday between Lisa J

From: Walter Mugdan/R2/USEPA/US  
To: [Enck.Judith@epamail.epa.gov](mailto:Enck.Judith@epamail.epa.gov), [Pavlou.George@epa.gov](mailto:Pavlou.George@epa.gov), Lisa Plevin/R2/USEPA/US@EPA  
Date: 09/20/2010 02:45 PM  
Subject: Draft Talking Points for LPJ/GE Meeting

---

As discussed this morning, here are draft Talking Points for the meeting on Thursday between Lisa Jackson and Jeff Immelt. Once we are satisfied here in the Region, may I assume that transmission to Headquarters will occur from the RA's office? (We have not as yet sent this draft to anyone in HQ.)  
[attachment "LPJ Talking Points5.doc" deleted by Judith Enck/R2/USEPA/US]

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Bob Sussman/DC/USEPA/US  
To: Judith Enck/R2/USEPA/US@EPA,  
Date: 12/17/2010 06:38 PM  
Subject: Re: chesapeake bay tmdl

---

Judith. Thanks for your great work on the GE rollout. We ended up in a very good place.

▼ Judith Enck

----- Original Message -----

**From:** Judith Enck  
**Sent:** 12/17/2010 04:28 PM EST  
**To:** Richard Windsor; Bob Sussman; Bob Perciasepe  
**Subject:** chesapeake bay tmdl

we just received the New York State WIP for the Chesapeake bay tmdl. all is well on the Hudson River pcb front, with GE suggesting that they will opt in. we will delay nyc school pcb inspections until January 8th. Now, finally, I can start my Christmas shopping.

thanks for all your help and support  
cheers,

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866  
(212) 637-5000

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: Walter Mugdan/R2/USEPA/US@EPA,  
Cc: Lisa Plevin/R2/USEPA/US@EPA, "Pavlou George" <[Pavlou.George@epa.gov](mailto:Pavlou.George@epa.gov)>  
Date: 09/20/2010 05:20 PM  
Subject: Re: Draft Talking Points for LPJ/GE Meeting

---

Ok. This is the main point so it should be an early bullet. Thanks  
Sent by EPA Wireless E-Mail Services

---

**From:** Walter Mugdan  
**Sent:** 09/20/2010 04:55 PM EDT  
**To:** Judith Enck  
**Cc:** Lisa Plevin; [Pavlou.George@epa.gov](mailto:Pavlou.George@epa.gov)  
**Subject:** Re: Draft Talking Points for LPJ/GE Meeting

It is not really possible to summarize what they are signing up for -- very complex, and the details are all important. However, I've worked with Paul to add a bullet about things that ARE quite certain:

- There is little uncertainty about some of the most important elements of the project: it has always been our aim to achieve the objectives set out in the ROD. The ROD sets out goals for cleaning the sediment and reducing PCB levels in fish and other biota. These goals are unchanged. The peer reviewers have provided considerable specificity about how the work should proceed to achieve those goals.

I'll also send entire document to Bob Sussman for his review, and will cc you.

---

**From:** Judith Enck/R2/USEPA/US  
**To:** Walter Mugdan/R2/USEPA/US@EPA  
**Cc:** Lisa Plevin/R2/USEPA/US@EPA, [Pavlou.George@epa.gov](mailto:Pavlou.George@epa.gov)  
**Date:** 09/20/2010 04:04 PM  
**Subject:** Re: Draft Talking Points for LPJ/GE Meeting

---

Walter: I'm not sure this draft fully addresses the "pig in the poke" argument. GE says they want to know what they are "signing up for". can this document lay out what they are signing up for? note that this is not complicated compared to the pasaic and onondaga lake: one contaminant. one prp. also, please call bob sussman and share the next draft with him and see if he believes it provides the administrator with enuf info and options? thanks

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866  
(212) 637-5000

---

**From:** Walter Mugdan/R2/USEPA/US  
**To:** [Enck.Judith@epamail.epa.gov](mailto:Enck.Judith@epamail.epa.gov), [Pavlou.George@epa.gov](mailto:Pavlou.George@epa.gov), Lisa Plevin/R2/USEPA/US@EPA  
**Date:** 09/20/2010 02:45 PM  
**Subject:** Draft Talking Points for LPJ/GE Meeting

---

As discussed this morning, here are draft Talking Points for the meeting on Thursday between Lisa Jackson and Jeff Immelt. Once we are satisfied here in the Region, may I assume that transmission to Headquarters will occur from the RA's office? (We have not as yet sent this draft to anyone in HQ.)

[attachment "LPJ Talking Points5.doc" deleted by Judith Enck/R2/USEPA/US]

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: "Luna Diaz, Marisol" <MarisolLuna@jca.gobierno.pr>  
Date: 09/13/2010 06:31 PM  
Subject: Re: DRAFT REGULATION FOR ENVIRONMENTAL REVIEW PROCESS

---

Thanks  
Sent by EPA Wireless E-Mail Services

---

**From:** "Luna Diaz, Marisol" [MarisolLuna@jca.gobierno.pr]  
**Sent:** 09/13/2010 05:08 PM AST  
**To:** "enck.judith@epa.gov" <enck.judith@epa.gov>; "soderberg.carl@epa.gov" <soderberg.carl@epa.gov>  
**Cc:** "Nieves Miranda, Pedro J." <PedroNieves@jca.gobierno.pr>; "Irizarry Lugo, Edwin A." <EdwinIrizarry@jca.gobierno.pr>  
**Subject:** DRAFT REGULATION FOR ENVIRONMENTAL REVIEW PROCESS

Good Afternoon Ms. Enck:

Attached you will find the Draft Regulation for Environmental Review Process, pursuant to the Permit Process Reform Act, Act No. 161 of December 1, 2009.

We would appreciate EPA's comments.

Regards,

Pedro J. Nieves Miranda, Esq.  
Chairman



*Marisol Luna Díaz*  
Asistente Administrativa  
Oficina del Presidente  
Junta de Calidad Ambiental  
(787) 767-8181 Ext. 6144



*Por favor considere el ambiente antes de imprimir este mensaje. Please consider the environment before printing this e-mail.*

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA,  
Date: 12/09/2010 05:33 PM  
Subject: Re: Broadcast: GE Wrap Up (Dec 10 06:00 PM EST in 3309 ARN Call in number)

---

I need a call in number  
Sent by EPA Wireless E-Mail Services  
Bob Sussman

----- Original Message -----

**From:** Bob Sussman

**Sent:** 12/09/2010 04:50 PM EST

**To:** Catherine McCabe; Cynthia Giles-AA; Eric Schaaf; George Pavlou; Lisa Feldt; southerland.elizabeth@epa.gov; Walter Mugdan

**Cc:** Ann Campbell; Colleen Flaherty; Georgia Bednar; Jordan Dorfman; Judith Enck; KarenL Martin; Linda Huffman; Nancy Beck; Nena Shaw; Shelly Dawson; Teresa Hill; Venu Ghanta

**Subject:** Broadcast: GE Wrap Up (Dec 10 06:00 PM EST in 3309 ARN Call in number)

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US

To: Betsaida Alcantara/DC/USEPA/US@EPA,

Date: 09/13/2010 08:48 AM

Subject: Re: AP: Gas drilling industry, environmentalists prepare their cases for EPA's NY hearing, last of 4

---

Thanks. On my way. See u in a few hours. Call me on my cell at (b) (6) if u need me

Sent by EPA Wireless E-Mail Services

▼ Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara

**Sent:** 09/13/2010 08:07 AM EDT

**To:** Seth Oster; Adora Andy; Alisha Johnson; Brendan Gilfillan; Bob Sussman; Fred Hauchman; Judith Enck

**Subject:** AP: Gas drilling industry, environmentalists prepare their cases for EPA's NY hearing, last of 4

This has posted on several outlets, including LA times.

Gas drilling industry, environmentalists prepare their cases for EPA's NY hearing, last of 4 

Outlet Full Name: Los Angeles Times - Online

ALBANY, N.Y. (AP) — The oil and gas industry is urging the Environmental Protection Agency to keep a narrow focus in its study of how a drilling technique that involves blasting chemical-laced water into the ground may affect drinking water — while environmental groups want the study to cover everything from road-building to waste disposal.

The issues will be aired Monday in two-minute speaking slots at an EPA hearing twice postponed last month because of security concerns over rallies and crowds anticipated in the thousands.

The hearing, the last of four around the country, will be held in two sessions on Monday and two more on Wednesday at The Forum in Binghamton, 115 miles southwest of Albany. The EPA is taking comment on how broadly to construct its study of hydraulic fracturing, or fracking, a technique for releasing natural gas from rock formations thousands of feet underground by injecting at high pressure millions of gallons of water mixed with chemicals and sand.

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Congress directed the EPA to take a new look at fracking as gas drillers swarm to the lucrative Marcellus Shale region beneath Pennsylvania, New York, West Virginia and Ohio and other shale reserves around the country. Concerns that the process can poison private wells and water aquifers have driven opposition, while the industry insists there's no evidence linking fracking to any contaminated water sources.

In Wyoming, which also has large shale reserves, the EPA has told residents in Pavillion, a farming and ranching area, not to drink water from about 40 nearby wells. Residents speculate their water supplies have been polluted by fracking, but the EPA's tests have been inconclusive.

Just last week, the EPA asked nine major gas drilling companies, including Halliburton Co., Key Energy Services Inc. and

Schlumberger Ltd., to voluntarily disclose the chemicals used in fracking. Drilling companies, calling their chemical formulas proprietary, have largely sought to avoid that disclosure. Others that received information requests from the EPA include BJ Services Co., Complete Production Services Inc., Patterson-UTI Energy Inc., RPC Inc., Superior Well Services Inc. and Weatherford International Ltd.

Fracking is specifically excluded from regulation under the federal Safe Drinking Water Act, in part because of a widely quoted 2004 EPA study that concluded the process posed no threat to drinking water sources. That study was widely criticized for, among other things, its narrow focus on coalbed methane deposits and its lack of independent field studies.

Environmental groups hope the new EPA study will validate their position that there are many risks that need to be addressed by regulators at the federal level. Beyond the fracking process itself, concerns have risen from environmentalists over the long-distance hauling, treatment and disposal of the resulting wastewater.

"We want the new study to be free of political and special-interest influence and based on science," said Craig Michaels, watershed program director for Riverkeeper, an environmental group whose stated mission includes safeguarding the drinking water supply of New York City and the lower Hudson Valley. "We want it to look not only at the fracturing of the well but the whole life cycle of drilling operations from road building to waste disposal and everything in between."

Gas drilling advocates oppose taking a broad view.

"Congress asked the EPA to look at a specific thing, which was the potential impact of hydraulic fracturing on drinking water sources," said Stephanie Meadows, a senior policy adviser of the American Petroleum Institute. "That's where the focus and the limited dollars that EPA has been given to do this should remain."

Industry groups oppose having fracking regulated at the federal level, which API acknowledges would be more costly.

"We don't see the need for another level of oversight," Meadows said. "States have the authority to regulate this and have been doing that effectively for the last 60 years."

Even if the EPA study doesn't lead to new federal regulations, the information gathered will help states improve their own regulations, said Katherine Nadeau, a program director of Environmental Advocates, an Albany group that says it tries to protect air, land, water and wildlife and the health of all New Yorkers.

"That's why it's so important that they be as thorough as possible," said Nadeau, whose group is urging the EPA to look at the impact of natural gas exploration on air quality, communities, ecosystems and waterways as well as on drinking water. "We would be able to use the scientific results from these studies to set up better water and community protections here in New York as well as nationwide."

The Natural Resources Defense Council, which says it combines the grass roots power of 1.3 million members with the expertise of more than 350 lawyers, scientists and other professionals, is urging the EPA to conduct numerous field studies in communities where known or suspected water contamination has been reported, such as Washington and Bradford counties in Pennsylvania.

NRDC senior attorney Kate Sinding said she would speak Monday about the need to do mapping studies of rock formations before and after fracking occurs to evaluate the potential for migration of contaminants through new and existing cracks.

Groups representing New York landowners with gas leases, frustrated by the slow pace of a Department of Environmental Conservation review of issues surrounding natural gas exploration in the Marcellus Shale region, want the EPA to keep its study narrow and finish it quickly.

The DEC has had permit approvals on hold since it started its review in July 2008, and some politicians and environmental groups want permitting further held up until the EPA study is complete.

"The hidden agenda of environmental groups is to delay it as long as possible," said Noel van Swol, president of the Sullivan-Delaware Property Owners Association. "This is all-class warfare on the part of weekenders and Hollywood types from New York City who want to keep this area as their playground and drive out those of us who have lived here all their lives."

He called the natural gas industry "the last best hope for this region," where jobs are in short supply and farms are struggling to survive.

The industry contends gas drilling has already brought millions of dollars in tax benefits and thousands of jobs — with promises of thousands more — in the vast Marcellus Shale region. Geologists say the Marcellus could become the nation's largest natural gas field.

Michaels said Riverkeeper would present the EPA with a report that documents "significant environmental impacts from natural gas drilling, including hydraulic fracturing."

"I'm not sure there's any form of energy production that's completely risk-free," Michaels said. "But people are realizing that they're being exposed to dangers that they shouldn't be. People shouldn't have to sacrifice clean air and water for a clean energy supply.

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:16 PM -----

From: Judith Enck/R2/USEPA/US  
To: "Stuart Gruskin" <sfgruski@gw.dec.state.ny.us>,  
Date: 12/10/2010 12:54 PM  
Subject: Re: Blog post: Time for GE to Cut the Spin, Commit to a Full Cleanup of Its Toxic PCBs from the Hudson River

---

Muchos gracias  
Sent by EPA Wireless E-Mail Services

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**From:** "Stuart Gruskin" [sfgruski@gw.dec.state.ny.us]  
**Sent:** 12/10/2010 12:50 PM EST  
**To:** Judith Enck  
**Subject:** Re: Blog post: Time for GE to Cut the Spin, Commit to a Full Cleanup of Its Toxic PCBs from the Hudson River

Old news -- already saw -- wake up.

>>> <Enck.Judith@epamail.epa.gov> 12/10/2010 12:47:36 PM >>>

Sent by EPA Wireless E-Mail Services

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**From:** "Levine, Larry" [llevine@nrdc.org]  
**Sent:** 12/10/2010 12:20 PM EST  
**To:** "Levine, Larry" <llevine@nrdc.org>  
**Subject:** Blog post: Time for GE to Cut the Spin, Commit to a Full Cleanup of Its Toxic PCBs from the Hudson River

Fyi

[http://switchboard.nrdc.org/blogs/llevine/time\\_for\\_ge\\_to\\_cut\\_the\\_spin\\_co.html](http://switchboard.nrdc.org/blogs/llevine/time_for_ge_to_cut_the_spin_co.html)

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## Time for GE to Cut the Spin, Commit to a Full Cleanup of Its Toxic PCBs from the Hudson River

Posted December 10, 2010 in [Curbing Pollution](#), [Environmental Justice](#), [Health and the Environment](#), [Saving Wildlife and Wild Places](#)

Tags:

[EPA](#), [GE](#), [generalelectric](#), [hudsonriver](#), [newyork](#), [PCBs](#)

Share

The time for GE's spin is over. With EPA expected to release cleanup standards for the rest of the Hudson River PCB cleanup as soon as next Monday, it's time to finally hold the \$170-billion company accountable for a full cleanup of its toxic waste. The health of the river depends on it.

*(In the last 3 days, over 7,000 people have emailed EPA to demand a full cleanup. Click [here](#) to join them -- and spread the word by sharing the link with your friends on Facebook or by email when you're done!)*

Although I wasn't at yesterday's meeting of the [Community Advisory Group](#) for the cleanup, I understand that GE representative John Haggard spoke at the meeting and specifically called out my last blog [post](#), to say that it misrepresented GE's proposals for Phase 2. And today, GE posted its latest spin online:

*[C]ontrary to some of the claims that have been made, GE is not advocating capping as a substitute for dredging. On the contrary, this will be one of the largest environmental dredging projects ever undertaken in the United States. Approximately 97% of the PCBs in the Phase 2 dredge areas will be removed by dredging equipment.*

*GE and EPA are discussing how much capping should be permitted during Phase 2 in areas where extensive dredging already has been performed. GE is recommending a more conservative, more protective approach than EPA developed for Phase 1, one that would result in less capping per dredge area than was performed last year.*

I'll freely grant that GE's at least partly right about two things (and we've never stated otherwise). But GE's bottom line message doesn't match the facts.

First, it's true that GE is not advocating capping as a complete substitute for dredging. It lost that battle years ago. But GE is proposing to limit the amount of effort – *i.e.*, the amount of time and money -- it puts into digging out its toxic waste from the river. And that means more PCBs would be left behind in the river forever.

Second, the standards now under discussion should result in less capping than Phase 1 – but that's only true because 37% of the Phase 1 area was capped, largely due to errors that can be corrected in Phase 2. Most egregiously, huge areas were capped at the end of the dredging season, when the technical standards were tossed aside and dredging was abandoned in certain areas, with winter rapidly approaching. Those mistakes can't be repeated in Phase 2.

We don't see any way to square GE's actual proposals with their new claim that they would remove 97% of the PCBs in Phase 2 – and they've provided nothing publicly to substantiate it.

Nor are the company's proposals "more protective" than the Phase 1 standards – if those Phase 1 standards had been applied as written.

What is GE actually proposing? Here's a specific proposal GE set forth in a recent mark-up of an EPA draft of the Phase 2 cleanup standards. (See pp. 17-18 of this [document](#).) In areas with no physical obstruction to full PCB removal, GE has sought a 'get out of jail free card' that would allow:

- in an unlimited number of acres of river bottom, 6-inch thick layers of PCBs to be left behind, covered over only with sand, with average PCB concentrations of up to three times the

targeted cleanup level;

- in an unlimited number of acres of river bottom, 6-inch thick layers of PCBs to be left behind, covered over with "caps," with average PCB concentrations of three to six times the targeted cleanup level;
- in up to 10% of the area targeted for dredging, 6-inch thick layers of contamination, containing even higher concentrations of PCBs (with no upper bound), to be left behind and covered over with "caps"; and
- in an unlimited number of acres of river bottom, even thicker layers of PCBs, in unlimited amounts, to be left behind if the full depth of contamination turns out to be deeper than GE anticipated (as was very frequently the case in Phase 1).

As environmental advocates and the State of New York emphasized in writing to EPA last week, there's no question GE's approach would allow the company to dredge less than EPA called for in the 2002 ruling that governs the cleanup – and to cover-up more PCBs with material that may not stop the poison from leaching into the river, nor withstand erosion in the face of floods, storms, and ice flows that nature will throw at it.

We've heard in our recent meetings with EPA that GE may have changed certain details of its proposal. But we've heard nothing so far, from either EPA or GE, to indicate that the company has backed away from its desire to identify some percentage of the Phase 2 cleanup area as a sacrifice zone, where it can leave behind unknown amounts of PCBs that could be safely removed.

The Hudson River deserves a full cleanup. It's time for GE to stop the spin and commit to getting the job done right.

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Lawrence Levine

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**From:** Levine, Larry

**Sent:** Monday, November 29, 2010 1:35 PM

**To:** Levine, Larry

**Subject:** Blog post: Will Sound Science -- or Corporate Interests -- Rule the Day on Hudson PCBs Cleanup?

I thought you might be interested in this new post:

[http://switchboard.nrdc.org/blogs/llevine/will\\_sound\\_science\\_\\_or\\_corpo.html](http://switchboard.nrdc.org/blogs/llevine/will_sound_science__or_corpo.html)

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2010 02:16 PM -----

From: Judith Enck/R2/USEPA/US

To: Mary Mears/R2/USEPA/US@EPA,

Cc: BDonohue@ENRD.USDOJ.GOV, Benny Conetta/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, Sussman.Bob@epamail.epa.gov, Walter Mugdan/R2/USEPA/US@EPA

Date: 12/03/2010 11:48 AM

Subject: Re: FINAL list

This is missing the dates of the technical meetings between GE and EPA staff. They should be included as well. an earlier version of this document listed:  
oct 15, Nove 2,4,5,8,9,10,11,16,17,22,29.

also please include the year after each date.

thanks

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866  
(212) 637-5000

▼ Mary Mears---12/03/2010 11:20:25 AM---Attached is, to the best of our collective recollection, the final list of meetings related to the

From: Mary Mears/R2/USEPA/US  
To: BDonohue@ENRD.USDOJ.GOV, Benny Conetta/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, Sussman.Bob@epamail.epa.gov, Walter Mugdan/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 12/03/2010 11:20 AM  
Subject: FINAL list

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Attached is, to the best of our collective recollection, the final list of meetings related to the Hudson cleanup. All over versions obsolete.

Mary Mears  
Chief, Public Outreach Branch, U.S. EPA  
office - 212-637-3673  
cell - 646-369-0077  
[www.epa.gov/region2](http://www.epa.gov/region2)

[attachment "Hudson meetings List 12 03.docx" deleted by Judith Enck/R2/USEPA/US]